

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
(WILKES-BARRE)**

**IN RE: BEVERLY J. ALBRIGHT  
DEBTORS**

**NO.: 5:15-bk-05378-RNO  
CHAPTER 13  
JUDGE: ROBERT N. OPEL II**

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 12/21/2020  
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: 01/06/2021 at 9:30am**

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**RESPONSE TO DEBTOR'S MOTION TO DETERMINE VALIDITY OF PAYMENT  
CHANGE FILED BY NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING  
[COURT DOCKET NO. 37]**

COMES NOW, Creditor, NewRez LLC d/b/a Shellpoint Mortgage Servicing (hereinafter "Creditor"), and files this Response to Debtor's Motion to Determine Validity of Payment Change Filed by NewRez LLC d/b/a Shellpoint Mortgage Servicing, and as grounds therefore states:

1. Creditor holds a secured claim against the Debtor's property, **700 Layton Road, Clarks Summit, PA 18411.**
2. The claim was filed on April 21, 2016 and is secured by a Note and Deed of Trust, dated July 29, 1997, and recorded in the real property records of Lackawanna County, Pennsylvania.
3. On September 17, 2020, Creditor filed a Notice of Mortgage Payment change changing the payment from \$847.35 to \$831.49 due to an interest change in the Loan effective November 1, 2020 (principal and interest \$473.98; escrow \$357.51).

4. On November 4, 2020 Creditor filed a Notice of Mortgage Payment Change increasing the payment from \$847.35 to \$881.88 effective December 1, 2020 (principal and interest \$473.98; escrow \$407.90)
5. Debtor filed the Motion to Determine Validity of Payment Change on November 30, 2020 stating that the most current filed Notice of Payment change was filed less than sixty days than the one filed previously on or about September 17, 2020 and that the Notice contained inaccurate escrow amounts.
6. Both Notices filed by Secured Creditor are for two different adjustments in the Loan, one being for an interest change and the other being an escrow adjustment.
7. As per the escrow analysis attached to the Notice of Payment Change filed on November 4, 2020, there was an increase of escrow from the anticipated amount. The required balanced was calculated to be \$929.15 when in fact the required amount is \$1,406.70 creating a shortage of \$477.55. This amount spread over twelve months is \$39.80, this along with the new escrow payment of \$368.10 is the amount of the increase in the filed Notice of Payment change effective December 1, 2020
8. Creditor denies and objects to any and all other material allegations made in Debtor's Motion.
9. Furthermore, Creditor reserves the right to supplement its response or file an Amended Notice of Payment Change, if necessary.

WHEREFORE, Creditor prays that the Court will enter an order denying Debtor's Motion and for all other just and proper relief to which it may be entitled.

Respectfully submitted,

/s/ Joshua I. Goldman

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*Counsel for Creditor*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished to the parties on the attached Service List by electronic notice and/or by First Class U.S. Mail on this 21<sup>st</sup> day of December 2020:

/s/ Joshua I. Goldman

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**SERVICE LIST (CASE NO. 5:15-bk-05378-RNO)**

VIA FIRST CLASS U.S. MAIL:

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